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One of the Attorneys for Federal Defendants
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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA
AT ANCHORAGE

YUKON DELTA FISHERIES DEVELOPMENT)
ASSOCIATION, et al.,)

Plaintiffs,)

v.)

NATIONAL MARINE FISHERIES SERVICE,)
et al.,)

Defendants.)

Cause No. A05-245 CV (JKS)

JOINT MOTION FOR STAY

Plaintiffs and Defendants in this case, through counsel, hereby jointly move the Court to stay this case until May 31, 2006, or such earlier date as is consistent with this motion. In support of this motion, the parties state as follows:

1. Federal Defendants have previously sought and received three unopposed extensions of time to file the answer and the administrative record in this case. Under the last of these extensions, the answer and administrative record are due to be filed on February 28, 2006.

2. During these extensions of time, counsel for the parties have undertaken settlement negotiations. During the course of these negotiations, the parties have agreed that efforts would be

better directed towards settlement as opposed to responding to the Complaint or preparation of the administrative record.

3. At this time, the parties believe that sufficient progress towards settlement has been made such that a stay of this case is warranted.

4. During this proposed stay, the parties anticipate that Federal Defendants will have published in the Federal Register a proposed rule clarifying all issues currently the subject of this litigation. The parties anticipate that such a proposed rule will be published in the next few days, and that the comment period, and the time necessary to prepare a final rule, may take up until approximately May 31, 2006. Accordingly, the parties seek a stay of this case until that time.

5. Notwithstanding this joint motion for stay, the parties acknowledge that the course of future events is always uncertain. Accordingly, in the event that future events do not play out as outlined above, or in the event that either party is otherwise unsatisfied with the progress being made during this stay, the parties have agreed that either party may move to lift the stay at any time. In the event of any motion to lift this stay, the parties have agreed that the non-moving party should respond to any such motion within 10 days, calculated in accordance with the Federal Rules of Civil Procedure. The parties presently anticipate that such a response would likely consist of the Federal Defendants filing and serving the answer and administrative record, or the Federal Defendants filing a responsive cross-motion seeking additional time for such filings.

Dated: February 28, 2006

Respectfully submitted,

SUE ELLEN WOOLDRIDGE
Assistant Attorney General
United States Department of Justice
Environment and Natural Resources Division
JEAN E. WILLIAMS, Section Chief
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s/ Joseph H. Kim

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Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2006, I caused the foregoing, together with a proposed order relating to the same, to be electronically filed with the Clerk of the Court using the CM/ECF System. Because counsel of record in this matter does not appear to have registered such that he will receive notification through the CM/ECF System, I have also mailed a copy of these documents on this date by first-class U.S. Mail, postage pre-paid, to the address indicated below:

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